p17

Previous references
413-09 1-4
571-09 1-4

1909.
(Municipal)

File No 276-09.
Serial Nos. 3—4

Later references

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 3—4

Part B for 1st 209

SUBJECT

Municipal Taxation of Govt. buildings used for residential purposes

3- From the Secy, Municipal Council. no 11934-09. dt
that the G.O. of 20-7-09 exempting certain Govt buildings
from payment of the Mul. Taxation may be reconsidered & the
same liable to taxation under proviso (a) Sect-59 of the
Regn VII of 1906

4. To Do the Secy, Municipal Council. no 91—S.G.-7
State that the buildings mentioned in the
Taxation of which is essential part of pub & Police
which for an integral
G.E.B. 50
exempt from taxation

G.R.S 11] 1908-09

GENERAL AND REVENUE SECRETARIAT

(Rul)

NOTES

File No. 276-08

FILE HEADING

Municipal Taxation of Govt. buildings used for residential purposes

From

The President, Mysore City Municipal Council

No. 111 Dated 3-4-09 Received 8-4-09

Diary No 7131	Enclos 1 Spare Copies.	Serial No 3

BRIEF ABSTRACT OF LETTER.

Requests that G.O. No. 2853-7/Rul 571-07-4 dt 20-9-08 recording the Mysore City Municipality Council's recommendation that the marginally noted buildings in the Mysore City be reconsidered and that under the provisions of Sec 83 of the Mysore Municipal Regn VII of 1906, it may be declared that the buildings are liable to municipal taxation

1) Inspector's Qrs in the Inspector's Qrs exempt from Municipal Taxation,
2) Matron Nurse's Qrs —do—
3) Jailor's Qrs in the jail Buildings
4) Deputy Jailor's Qrs —do— —
5) Hospital Assistants' Qrs in the jail Buildings.

NOTES AND ORDERS

The question of levying Municipal Taxes on the above Buildings was considered and discussed in

Notes—First sheet.

GPB 30,000—20-3-06

G.R.S. 12]
General and Revenue Secretariat

Ml File No. 276 of 1908 7131 (2

Serial No

Notes of Trumpl file No 57 The Pres^dt now says that Proviso (a) to Section 59 of the Trumpl Regn does not provide for the exemption of such buildings from taxation.

2 Submitted for orders.

Obn 3 Is any rent levied
27/4 the occupants in respect of the five buildings referred to in the letter and if so, under what authority

D 837/N 1914 28 4-09 Ml

4 No rent is being levied for any of these They are free quarters

Obn 5 The President makes a
1/5. bare statement that the residences do not fall within the scope of Proviso (a) to Section 59 of the Ml Regn, but does not discuss the question or assign any reasons for his opinion -

6 The buildings referred to belong to Govt They are used for a public purpose inasmuch as the residences thereof the several officers by who they are occupied is with a

Note—Contn sheet

GPB—80,000—15-7-08

Serial No.

view that they may be available for public duty at all times they are not used or intended to be used for purposes of profit hence they are exempt from the tax.

1. Please put up a draft order

3 5' 09

2 Draft put up.

(Khan Sahib 9. Secy) 6 5' 09

5/11

10 The draft may be approved

Dewan Bahadur 7/5/09

7/5/10

11 May be approved

11/5/09

12/5/09

13/5/09

12— To be recirculated to Commissioners. The proposed draft order is no doubt on orthodox lines. There is no doubt also that the Municipalities concerned are losing much revenue which would accrue to them if the office

(17)—50,000—18-5-08

Serial No.

offls now furnished with rent free
govt quarters receives only house
rent from Govt and has to engage
private houses In this view and
in view of the fact that the offcials
concerned are in full enjoyment
of the benefits of Municipal
administration, it is a question
whether the Municipal Council
is not, as a matter of right, entitled
to the ordinary Municipal taxes
on these rent free houses. One
alternative is that the amount
shall be paid out of Govt Treasury
Another alternative is that the
offcials concerned should pay
the Municipal taxes as personal
taxes The Govt engagement or
understanding with them is only
to provide them with rent-free
quarters, and not in any way to
exempt them from the incidents
of citizenship and local
taxation To require them to pay
these local taxes will be only
analogous with the refusal to
grant commissions of Govt Cases
on

G. R. S. 12]
General and Revenue Secretariat

Jud File No. 276 of 190 8-09

5

Serial No.

On remitted Provincial Revenues

Sec
29 May 09

13 Resubmitted to Councillors

Sec
31/5/09

14 I have further considered the question in the light of the above remarks and I am disposed to agree with the Dewan

Reading the proviso to sec 59 of the Municipal Regulation I am not at all sure that rent free official quarters are "used solely for public purposes" - Residential quarters cannot be said to be "used solely for public purposes".

15 I see also that with the express Consent of Government, even such buildings used solely for

Note—Cloth sheet

G.I.P.—50.000—12-08

Serial No.

public purposes and not used for purposes of profit can be taxed. such being the case there is no statutory exemption in the case of rent free residential quarters belonging to Govt.

2) The occupants of free quarters are only entitled to exemption from payment of rent for the quarters. They cannot claim exemption from payment of local municipal taxes on such buildings as they in common with the rest of the population enjoy all the benefits of municipal services such as the use of roads markets, general conservancy lighting &c &c —

3) If this view is accepted, G.O. of 10th Dec 07 will have to be modified

H.M.
8/6/09

Legislative and Revenue Secretariat.

File No. 276 of 1909

Serial No

If I am not sure of this has not sent to me by oversight. It is not a Council matter, and I am inclined to think that in the 1st line of the Dewan's order, 'Councillors' was put by mistake for Councillor'.

9/6/09

19 As a question connected with taxation, this may perhaps be considered as a Council matter falling under cl (1) of the Schedule. Under standing orders, even cases which present doubt as to whether or not they come under the Schedule ought to be treated as scheduled cases & if this view is approved, the papers will be sent to the 2d Cl.

10/6/09

21 Dewan

Yes - and probably it includes an interpretation of the Municipal Regulation; and if the taxes are to be paid by Govt, it is a question of finance & expenditure in any case the 2d Councillors views would be valuable

13/6/09

Submitted to H.E.

15/6/09

Serial No.

23 With due deference, I think that the view taken in the draft order ~~[illegible]~~ is correct; and the reason is given in Para 6 of the office note. If Govt gives house rent in money to an officer, it is virtually an addition to his salary, and of course for any house that he may procure, either he or his landlord would have to pay all the Municipal taxes. But where for greater facility in performing the duties of an institution, residential free quarters for the officers are provided, it seems to me that they are used for buildings used for public purposes. These house taxes are not imposed on persons but on buildings, and so there is no question of freeing them from "the incidents of citizenship and local taxation".

24 What the occupants of such buildings are entitled to has to be deduced either from the terms of existing orders on the subject, or from the manner in which the usage has interpreted the obligation. On this however there is no information in the file

(Illegible) Where however the free

Serial No

quarters supplied may be presumed from the nature of the officers' duties, to be meant as an additional benefit to the officers, & is but [illegible] the building would be employed not 'solely for public purposes' but would be used 'for purposes of profit' i.e. to lessen the burden of what Govt. would otherwise have to pay to secure the services of the Officer. In such cases of course the Municipality is entitled to levy its tax, and either the Govt. or the Officer would have to pay it, accg. to the terms of their understanding.

1969

26 Dewan)

12+4
20/6/09
27 The Draft may
Govt
21/11/09
25 Resubmitted to HHC: Govt
If he also approves, the draft will be issued

17/6/09

Note.—Contin. sheet.

GPB—(M)69—15-3-05

Govt 25/6 Govt 26/6/09 Govt 23/6 Govt 23/6/09

Serial No 4

S. O. No 945 & 3.7.09

Observes that the buildings referred to belong to Govt and form integral and essential parts of jail & hospitals which are used for public purposes and not for purposes of profit, that the residence therein of certain officers is provided for mainly to promote the public purposes for which the entire premises are used and that in this view both both that the buildings in question are exempt from taxation —

GPB—30.000—18 5 08

2713/

1

No 111

The City Municipal Office, Mysore,
Dated 3rd A p r i l *1909.*

From

M.Kantharaj Urs Esquire, B.A.
President, City Municipal
Commission, Mysore
ml 276-08
ml 424-08
Sl-3

To

K.S.Chendrasekharier Esquire, B.A.,B.L.
Secretary to the Govt of Mysore,
General & Revenue Depts

Sir,

Referring to Government Proceedings No.2163-7/M1. 571-C1-4 dated 20th September 1908 recording the resolution of the Council with reference to the marginally noted buildings which were recommended for exemption from payment of Municipal taxes with the arrears which were due on them, I have the honor to state that on a reconsideration of the question in the light of the observations made by Government in paragraphs 2 and 3 of the proceedings No.5450-70/M1. 423-06-4 dated 10th December 1907, the Council is of opinion that the said buildings are liable to taxation inasmuch as such residences do not fall within the scope of proviso (a) to 59 of the Municipal Regulation.

Matron's quarters in the Maharani's Hospital.
Native Nurse's quarters, Maharani's Hospital.
Jailor's quarters in the Jail buildings
Deputy Jailor's quarters in the Jail buildings.
Hospital Assistant's quarters in the Jail buildings.

In these circumstances I request that you will be so good as to move the Government to declare that the buildings in question are liable to Taxation.

A copy of the resolution of the Council on the --

1909.

From

President, City Muni
Commission, Mysore.

To

Secy to Govt of Mysore,
Gen and Rev Depts.

Dated 3rd August
Despatched 7th
Received

General No 111
No

Enclosure No nil

Submitting copy of Board's resolution regarding the levy of tax on certain Govt buildings

B.S.P.H.—22-6-06.—200

the subject is appended

I have the honor to be,

sir,

your most obedient servant,

H W P President.

R V.R

Proceedings of the ordinary meeting of the Municipal Councillors for the City of Mysore held in the Ranga Charlu Memorial Hall at 9 A.M. on Saturday the 27th March 1909.

PRESENT.

(1) M.G.Krishnasami Rao Esquire. (Vice President).
(2) V.L.Menker Esquire. (Health Officer).
(3) M.Venkatakrishniah Esquire.
(4) M.C.Rangiengar Esquire.
(5) K.Chendrasekhariah Esquire.
(6) Amble Anniah Pandit Esquire.
(7) Krishnappaji Urs Esquire.
(8) M.Narasimhaswamy Esquire.
(9) V.Tiruvengada Mudaliar Esquire.
(10) A.Subbanna Esquire.
(11) M.Amantharajiah Esquire.
(12) Madanna Esquire.
(13) M.Sreecantiah Esquire.

ABSENT.

(1) M.Kantharaj Urs Esquire. (President).
(2) B.Subba Rao Esquire. (Executive Engineer).
(3) Syed Yakub Saheb Esquire. (Amildar).
(4) Rahimatulla Ahomed Sait Esquire.
(5) Syed Mohidin Saheb Esquire.
(6) Hussainalli Baig Saheb Esquire.

VI Correspondence ending with the opinion of Municipal Councillors Messrs Rangiengar and Chendrasekhariah about exempting certain Government buildings from payment of Municipal Tax

ive Nurse's quarters
ior's quarters
ren's quarters
y Jailor's quarters &

On reconsideration, the Council think that the -- marginally noted residences are liable to --- taxation inasmuch as such residences do not fall under proviso (a) of section 59 of the Municipal Regulation as clearly explained by Government in ---- paragraphs 2 and 3 of their proceedings No 5430-70/M1 413-06 -4 dated 10th December 1907

(Sd) M G Krishnasami Rao
Vice President

"Copy"

President

B.V R

G.R.S 28]

File No. 276-08
Serial No 4.

Diary No of letter replied to 7131

Proceedings of the Government of His Highness the Maharaja of Mysore

GENERAL AND REVENUE SECRETARIAT

, the 190

Date of issue 3-7-09

Signed by Mr KM

Matron's quarters in the Maternity Hospital —do—
Native Nurse's qrs, —do—
Jailor's quarters in the Jail Buildings —do—
by Jailors. —do—
Public Accts' —do—

READ.— Letter No 1111 & 3-4-09 from the Secretary, Mysore City Municipal Council, stating with reference to Govt Orders No 2163-71 Dual 571-07-4 & 20-9-08, observing whether the marginally noted buildings are exempt from Municipal taxation that on a reconsideration of the question in the light of the observations made by Govt in paragraphs 2 & 3 of Govt Orders No 54,30-70 Dual 443-06 & 10-12-07, the Council are of opinion that the said buildings are liable to taxation

over

SUBJECT

inasmuch as such residences
do not fall within the scope of
proviso (a) to section 59 of the Income Tax Act
and requesting that under the
circumstances the order
of Govt. be reconsidered and
in question be
the buildings declared liable
to taxation.

Order thereon. 94-5
ml-7-08- of 3.7.09

The Secy. makes a bare
statement that the residences do
not fall within the scope of
proviso (a) to section 59 of the
Income Tax Act, but does not
discuss the question or assign
any reason for his opinion

The buildings referred to
belong to Govt. They are used
for the public purposes inasmuch
as the residences therein of the
Govt. officers, as explained in
the letter dated 3.7.09 are necessary
that they may be available for public
duty at all times. They are not

and are forming
integral part of Govt.
hospital etc
are used
public purposes
and not for purpose
of profit

(under Income Tax Act)
promote
the public
purposes for
which the entire
premises are used,

6

G.R.S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation Sheet draft form)

used or intended to be used for purposes of profit. In this view Govt. hold that the Lamps in question are exempt from taxation

Passed
for issue
[illegible]

Print

To

The Chief Inspector City Municipal Council.
The President Bangalore City Municipal Council

4/5/08

2/May

[illegible] 1 05.

Proceedings of the Government of His Highness the Maharaja of Mysore, Local Fund and Sanitary (Municipal), dated 3rd July 1909

READ—

Letter No 111 dated the 3rd April 1909 from the President Mysore City Municipal Council stating with reference to Government Proceedings No 2163 7—Ml 571 07 4 dated the 20th September 1908 that on a reconsideration of the question whether the marginally noted buildings are exempt from Municipal taxation in the light of the observations made by Government in paragraphs 2 and 3 of Government Proceedings No 5430 70—Ml 413 06 dated the 10th December 1907 the Municipal Council are of opinion that the said buildings are liable to taxation inasmuch as such residences do not fall within the scope of proviso (a) to Section 59 of the Municipal Regulation and requesting that under the circumstances the order of Government be reconsidered and the buildings in question be declared liable to taxation

1 Matron s quarters in the Mal aram s Hospital
2 Native Nurses quarters in do
3 Jailor s quarters in the Jail Buildings
4 Deputy Jailor quarters in do
5 Hospital Assistant s quarters in do

No 94 5—Ml 276 08 4, DATED BANGALORE, 3RD JULY 1909

ORDER THEREON —The buildings referred to belong to Government and form integral and essential parts of jails and hospitals which are used for public purposes and not for purposes of profit The residence therein of certain officers is provided for mainly to promote the public purposes for which the entire premises are used and they are not used or intended to be used for purposes of profit In this view Government hold that the buildings in question are exempt from taxation

C S BALASUNDARAM IYER,
Offg Secy to Govt, Gen & Rev Depts

To—The President Mysore City Municipal Council
The President, Bangalore City Municipal Council

Exd —c v